

# **INDIANA BOARD OF PHARMACY**

**Indiana Professional Licensing Agency**  
Indiana Government Center South, Room W064  
402 W. Washington St.  
Indianapolis, IN 46204

## **MINUTES OF the August 10, 2009 Board Meeting**

### **I. CALL TO ORDER & ESTABLISHMENT OF QUORUM**

President and Presiding Officer Del T. Fanning called the meeting to order at 8:42 a.m. in Room W064 of Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum, in accordance with IC § 25-26-13-3.

#### **Board Members Present:**

Del T. Fanning, R.Ph., President  
Lora N. R. Williams, JD, Vice President (*Consumer Member*)  
Steven Anderson, R.Ph., Member  
William J. Cover, R.Ph., Member  
Winnie Landis, R.Ph., Member  
Sara St. Angelo, PharmD., R.Ph., Member  
Donna S. Wall, PharmD., R.Ph., Member

#### **Board Members not in attendance:**

None

#### **State Officials Present:**

Phil Wickizer, Board Director, Indiana Professional Licensing Agency  
Amy Phillips, Assistant Director, Indiana Professional Licensing Agency  
Kyle McClurg, Litigation Specialist, Indiana Professional Licensing Agency  
Zaneta Nunnally, Compliance Officer, Indiana Professional Licensing Agency  
Tim Thomas, Compliance Officer, Indiana Professional Licensing Agency  
Gordon White, Board Advisory Counsel, Office of the Attorney General

### **II. PLEDGE OF ALLEGIANCE**

Member Fanning led the Board in the Pledge of Allegiance.

### **III. ADOPTION OF THE AGENDA**

A motion was made by Member Wall and seconded by Member St. Angelo to adopt the agenda. Motion Carried 7-0-0.

### **III. ADOPTION OF MINUTES FROM PREVIOUS MEETING**

A motion was made by Member Cover and seconded by Member Williams to adopt the August 10, 2009 Minutes. Motion Carried 7-0-0.

### **IV. PROBATIONARY APPEARANCES**

Probationary appearances were conducted by the Compliance Officers in the Quigley Conference Room located in Room W072 of Indiana Government Center South starting at 7AM and concluding at approximately 9AM.

- A motion was made by Member Landis and seconded by Member Wall to approve the following probationary appearances:

Chew, Barbara  
Dodds, Gregory  
Fisher, Patricia  
Hine, Edward (Pending report from Employer from July)  
Holling, Traci  
Kaczynski, Scott  
Mittelkamp, Elaine  
Moore, Teresa

**MOTION CARRIED: 6-0-0 (Member Williams was engaged in a Settlement Conference)**

- A motion was made by Member St. Angelo and seconded by Member Landis to approve the following probationary appearances:

Brown, Shelley  
Davis, Tracy  
Harter, Larry  
Peters, Nicholas  
Powell, Melanie  
Querry, Kevin  
Reynolds, Susan  
Seebach, Lon  
Utz, John  
Voight, Stephanie

**MOTION CARRIED: 6-0-0 (Member Williams was engaged in a Settlement Conference)**

- A motion was made by Member Wall and seconded by Member St. Angelo to approve the following probationary appearances:

Flick, Julie  
King, Tina  
Lawson, Mark  
Lowe, Keri  
MacLean, Thomas  
Price, Judy  
Six, Jamie

**MOTION CARRIED: 6-0-0 (Member Williams was engaged in a Settlement Conference)**

- The following individuals did not show for their probationary appearances and the Board voted to issue and Order to Show Cause or make a Personal Appearance to these individuals (motion was made by Member Wall and seconded by Member St. Angelo):

Adams, Bradley (Order to Show Cause)  
Lanting, Emily (Order to Show Cause)  
Palmer, Britney (Order to Show Cause)  
Ratliff, Jana (Order to Show Cause)  
Wheeler, Adam (Personal Appearance)  
Winterheimer, Dennis (Order to Show Cause)

**MOTION CARRIED: 6-0-0 (Member Williams was engaged in a Settlement Conference)**

## **V. PERSONAL APPEARANCES**

### **A. Compliance Officer Reports**

- Report from Compliance Officer Tim Thomas:

CO Thomas reported on the ongoing use of the new MCheck system and some of issues that have come up. Some of the questions being used by the Compliance Officers will continue to be evaluated to make sure they make sense for use in the field. He also commented that consistent use of the system is beginning to highlight problems that he is finding in common at each of the pharmacies he inspects. As we continue to aggregate data, we may be able to provide better educational resources to pharmacies as we note ongoing trends in violations, etc. He noted that more violations are being issued because the system is affirmatively reminding officers to check or dismiss all areas covered by the law book.

- Report from Compliance Officer Eric Pearcy:

CO Pearcy was on vacation during the August Meeting.

- Report from Compliance Officer Zaneta Nunnally:

CO Nunnally's reported usual activity with one exception. She'd received communications from the NorthShore Pharmacy regarding unusual activity taken place between the qualifying pharmacist and owners. Upon investigation, it became apparent there were larger issues. This is discussed in more detail below.

- CO Nunally also communicated to the Board the recent inspection of the Wellfount pharmacy conducted by her and Board Member St. Angelo to inspect the new Talyst machine that the pharmacy would like to have approved for use by one of their clients (a long term nursing facility). The Board has tentatively agreed to the proposal and has the pharmacy to work with staff to come up with a plan along with policies and procedures to be submitted to the Board for approval during the September meeting.

### **B. Samantha Phillips – Pharmacy Technician Renewal**

Ms. Phillips was required to appear before the Board because of a positive response on her Technician application. She failed drug screenings while a technician in Arizona for marijuana. She was put on probation in Arizona which was duly transferred to Indiana when she moved back here (this is work probation through Walgreens). Her employer is fully aware of the situation, and she is currently not allowed to work in the pharmacy setting at Walgreens until her certification issues are cleared up. The Board requested professional documentation regarding petitioner's compliance with her probation orders, including potentially an addictionology report or something akin to such a report. The Board required petitioner to gather such reports and/or documentation from the counseling and recovery programs in which petitioner participated in while in Arizona that would attest to her satisfactory completion of probation requirements. It was requested that petitioner gather the information and submit it to Board staff and request to appear before the Board in September. A motion was made by Member Wall and seconded by Member St. Angelo to continue this action until further documentation was presented. **Motion Carried 7-0-0.**

### **C. Stephen Rush – Pharmacy Technician Application**

Mr. Rush was required to appear before the Board because of a positive response on his pharmacy technician application. This is Mr. Rush's first application for licensure from the Board. In 2007, Mr. Rush pleaded no contest to a DUI and was sentenced to three years criminal probation for which he has one year left to complete. Petitioner paid all his fines, served jail time in lieu of community service, and completed a first time offender class. He

has had no record before or since that time. Petitioner is originally from Indiana, but more recently is returning to Indiana from the State of California in search of employment. The Board requested from Petitioner information from CA attesting to their knowledge of his presence in Indiana as well as addictionology reports regarding his control over his substance abuse problems. A motion was made by Member Wall and seconded by Member Landis to table the application. **Motion Carried 7-0-0.**

**D. Jacob Langfield – Pharmacist Intern Application**

Mr. Langfield was required to appear before the Board because of a positive response on his application to be a pharmacist intern (this is his first application to be a pharmacist intern). In June of 2008, Mr. Langfield was arrested for an OWI in West Lafayette at Purdue, and in April of 2009 he was arrested for a Public Intoxication. There are no charges pending for the PI and his only conviction was for the 2008 OWI. He received probation for a year and was required to attend a series of classes through the group therapy and treatment program at St. Vincent Hospital. The Board decided to approve his intern registration on probation for the period of one year and require the typical probation requirements, and allow him to appear before the Board again to have this probation lifted. They also required that he maintain a contract with PRN for the duration of his probationary registration, and that he turn in a quarterly report from a faculty member at the school along with a self reflection/evaluation statement. A motion was made by Member Wall and seconded by Member Landis to approve the probationary registration. **Motion Carried 7-0-0.**

**E. Jesse Krusling – Pharmacist Score Transfer Application**

Mr. Krusling was required to appear before the Board because of a positive response on his application to transfer his NAPLEX Score from Ohio. Mr. Krusling was recently approved for licensure in Ohio (awaiting final licensure paperwork from that State) and resides in the Tri-State area around Cincinnati and is seeking licensure in Indiana as well as Kentucky. He recently graduated from the University of Cincinnati in June and has a current intern license with the State of Ohio. He currently works for Walgreens and will continue to work for Walgreens upon final licensure. His employer is fully aware of his background and criminal history. The immediate positive response was the result of an October 1994 criminal conviction that evolved from a domestic dispute for which the petitioner served nine years in the Ohio State Prison System (Petitioner also had a lengthy juvenile record prior to his 1994 conviction; the result of a troubled childhood per the Petitioner). Petitioner has been out of prison since 2003 and has had no law enforcement issues since his return to society. He currently has a family and is engaged to be married. The drive to practice pharmacy is a result of his father's owning and running an independent pharmacy. Petitioner stated that the Ohio Board of Pharmacy is fully aware of his history and his attempt to seek licensure in Indiana and Kentucky. A motion was made by Member Landis and seconded by Member St. Angelo to approve the score transfer application. **Motion Carried 7-0-0.**

**F. James Miloshoff – Pharmacist License Transfer Application**

Mr. Miloshoff was required to make an appearance before the Board because of a positive response on his license transfer application. Petitioner appeared before the Board earlier in the year in an attempt to transfer his license and the Board requested he return to Arizona, his original state of licensure, to first get his license there in order. He is currently serving a six month suspension from the State of Arizona for authorizing controlled substances for himself from May 2008 until he was caught, to be followed by a probationary term. He is now in the first month of his six month suspension. He will not be returning to Arizona, and would like to serve his suspension and probation under a similar order here. He is working with and has a current contract with PRN. He became addicted to painkillers after using them to assist him through his bout with stomach cancer. His cancer is now in remission. A motion was made by Member St. Angelo and seconded by Member Anderson to allow the petitioner to sit for the MPJE and then impose a similar probation to what the State of Arizona would have required in the Board's place. **Motion Carried 7-0-0.**

**G. Redline Graphics – Security pad Provider Application**

Redline Graphics appeared before the Board to discuss the original (now corrected) errors in their application and samples to be a prescription security pad provider. Redline has corrected all its errors and resubmits this third application to be approved by the Board. As an original provider to many hospitals and physician practices, Redline was involved with the original changes to the prescription security pad law in the 1990s. The owner was able to give the Board a detailed history of how the process came to be and some current issues that exist within the current system. In particular, Redline is concerned about the allowance of Brokers in the system. Regarding their current application, a motion was made by Member Anderson and seconded by Member Williams to approve the application of Redline Graphics. **Motion Carried 7-0-0.**

#### **H. MethCheck – Jim Acquisto**

Jim Acquisto from Appris Systems, the maker of MethCheck, made a presentation to the Board regarding the solution being utilized by the State of Kentucky and several other states to combat the production of Meth through the sale of PSE based products. The Board is considering making recommendations for different ways Indiana can address its growing Meth problem. The Board requested staff to seek out the Indiana State Police and other parties currently attempting to find a workable solution to help combat the production of Meth and illicit sale of PSE products.

#### **I. Priority Rx, LLC – Pharmacy Permit Application**

Priority Rx, LLC Applied for a type 1 permit and upon inspection the compliance team asked them to appear before the Board to clarify whether or not their method under which they wanted to operate their new pharmacy was consistent with Indiana law. They essentially wanted to license one area as a pharmacy, but keep the compounding area as physician dispensing and not part of the licensed premises. They were asking for an accommodation because the Board currently doesn't have a means of addressing licensed premises that are in different buildings. In their scenario, one building would be for patients, one building for compounding, and one building for the licensed pharmacy. One area operates under physician dispensing, one area would operate under the pharmacy. Priority Rx would be part of the larger wellness clinic being operated at this location and compounding would be done as needed. The Board at this time was not ready to approve the application and needed more information from the Petitioner such as a detailed plan and an explanation of why they think what they are wanting to do is legal and proper under the law. A motion was made by Member Cover and seconded by Member Landis to table the application pending more information. **Motion Carried 7-0-0.**

#### **J. ExcelleRx – Pharmacy Permit Application (PA based Pharmacy)**

ExcelleRx appeared before the Board to seek approval of an automated dispensing system that it wants to use in conjunction with its non-resident pharmacy in Pennsylvania. They want to use a pixas machine in a remote satellite location. It would be for one of their hospice clients, a 14 bed unit. The unit would operate under the central fill permit for the non-resident pharmacy. The compliance team will be doing an inspection. Board stressed the need to have a pharmacist do the cross check and fill the machine and the need to ensure that nurses are only pulling meds with a verified doctor's order. A motion was made by Member St. Angelo and seconded by Member Wall to approve the application. **Motion Carried 7-0-0.**

## **VI. MISCELLANEOUS**

- Board Director Report – Director Wickizer discussed the following topics currently under review by staff and other special projects that are in the pipeline:
  - Organize ePrescribe task force based on report from CO Percy.
    - Potentially look at inviting EDIs to discuss the issues with the Board during the October or November meeting.
    - Include all relevant stake holder groups and reach out to the Employers Forum.

- Discussion of Staffing – Board Director anticipates vacant case manager and compliance officer positions being posted before the end of the month.
- Discussion of Medicaid restricted card program.
- Discussion of strategic plan and mission statement.
- Presentation of quarterly newsletter project.
- Discussion of receipt of PRN Quarterly Report.

## VII. OLD/NEW BUSINESS

- Board Designations
  - Board Referrals – Sara St. Angelo
  - Settlement Conferences – Donna Wall or Lora Williams (alternate)
  - Controlled Substances Advisory Committee – Steve Anderson
  - 2009 MPJE Review – Bill Cover, Del Fanning, and Sara St. Angelo
- Rulemaking
  - Set to discuss and continue during the October meeting.
  - Three subject matter areas to date: continued education, remote order entry, and electronic transfer of prescriptions.

## VIII. ADMINISTRATIVE HEARINGS

A. In the Matter of the Indiana Pharmacist License of Edward J. Sauer, Jr. RPh	
<b>License No.</b>	26010687A
<b>Administrative Cause No.</b>	2009 IBP 0028
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Respondent and counsel did not appear; motion to continue
<b>Counsel Present</b>	Bryan Williamson, Counsel for the Respondent Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The State and Respondent together asked for a continuance on this matter. Respondent has a pending criminal matter regarding his diversion activities. He is 74 years old, and is admittedly impaired. He has agreed to a voluntary suspension of his license. Respondent is currently on an Emergency Suspension and his license is not currently active.
<b>Board Action</b>	A motion was made by Member Cover and seconded by Member St. Angelo to approve a continuance.
<b>Vote</b>	Motion Carried <b>7-0-0</b>

B. In the Matter of the Indiana Pharmacist License of Charles Hiam, RPh	
<b>License No.</b>	26012121A
<b>Administrative Cause No.</b>	2009 IBP 0030
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Charles Hiam
<b>Counsel Present</b>	Barclay Wong, Counsel for the Respondent Mark Mader, Deputy Attorney General for the State of Indiana

<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The Respondent is both a doctor and pharmacist and is licensed professionally with both the Medical and Pharmacy Board. He has been a medical doctor since 1974 and a pharmacist since 1967. This case arose out of a diversion issue. The Respondent has stated that he does not intend to practice pharmacy anymore, and has agreed to an indefinite probation of his license. The State and Respondent ask the Board to accept the Settlement Agreement entered into between the parties.
<b>Board Action</b>	A motion was made by Member Cover and seconded by Member Landis to approve the Settlement Agreement entered into between the State and Respondent.
<b>Vote</b>	Motion Carried <b><u>7-0-0</u></b>

#### **C. In the Matter of the Indiana Pharmacy Technician Certification of Heidi N. Brown**

<b>License No.</b>	67008169A
<b>Administrative Cause No.</b>	2009 IBP 0035
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Respondent did not appear; motion to continue
<b>Counsel Present</b>	Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The Respondent requested and the State agreed to enter a motion for continuance of this matter to a later date.
<b>Board Action</b>	A motion was made by Member Cover and seconded by Member St. Angelo to approve a continuance.
<b>Vote</b>	Motion Carried <b><u>7-0-0</u></b>

#### **D. In the Matter of the Indiana Pharmacy Technician Certification of Casi J. App**

<b>License No.</b>	67013042A
<b>Administrative Cause No.</b>	2009 IBP 0023
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Casi J. App
<b>Counsel Present</b>	Pamela Siddons, Counsel for the Respondent Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member

	Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The Respondent was involved with a diversion case and is facing both criminal charges and this action against her certification. The result of her criminal charge was a sentence of 90 days house arrest and two years of probation. Respondent was addicted to controlled substances and illegally diverting them from her employer. A precipitating factor was Respondent's Krohns disease. The State, in the Settlement Agreement, is asking that the Respondent's certification be placed on indefinite suspension for a period of two years, after which she may apply for reinstatement. This requirement was also a condition of her criminal probation as well. Both parties waived closing arguments. Member Williams participated in the Settlement conference and signed a statement to that effect.
<b>Board Action</b>	A motion was made by Member St. Angelo and seconded by Member Wall to approve the Settlement Agreement between the parties.
<b>Vote</b>	Motion Carried <b>6-0-1</b> (Member Williams abstained from voting due to participation in the Settlement Conference)

#### **E. In the Matter of the Indiana Pharmacy Technician Certification of Patricia L. Hotseller**

<b>License No.</b>	67001246A
<b>Administrative Cause No.</b>	2009 IBP 0031
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Patricia L. Hotseller
<b>Counsel Present</b>	Jackie Butler, Counsel for the Respondent Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The issue in this case involves diversion of pain medication from the Respondent's employer. She has criminal charges pending (D Felony) but has not been convicted yet. Respondent has admitted to an addiction to vicodin. Respondent is currently cooperating with the Marion County authorities on her criminal matter and has entered into a Settlement Agreement with the State on the issue of her certification. Per the Agreement, she faces indefinite suspension and is required to find and work with support groups to evidence her ongoing recovery before attempting reinstatement from the Board (including submission of an addictionology report). Member Williams participated in the Settlement conference and signed a statement to that effect.
<b>Board Action</b>	A motion was made by Member Cover and seconded by Member St. Angelo to approve the Settlement Agreement between the parties.
<b>Vote</b>	Motion Carried <b>5-0-2</b> (Member Williams abstained from voting due to participation in the Settlement Conference; Member Wall abstained herself from participation due to conflicts of interest created by Respondent's employment with Clarian)

#### **F. In the Matter of the Indiana Pharmacy Technician Certification of Shaun D. Ray**

<b>License No.</b>	67011985A
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<b>Administrative Cause No.</b>	2008 IBP 0018
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Respondent did not appear
<b>Counsel Present</b>	Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The Respondent did not appear for her final hearing and the state asked the Board for a Notice of Proposed Default and an Extension of Summary Suspension placed on her Certification.
<b>Board Action</b>	A motion was made by Member Williams and seconded by Member St. Angelo to issue a Notice of Proposed Default and approve the Extension of Summary Suspension on Respondent's Certification.
<b>Vote</b>	Motion Carried <b><u>7-0-0</u></b>

#### **G. In the Matter of the Indiana Pharmacy Technician Certification of Tracey E. Smith**

<b>License No.</b>	67004298A
<b>Administrative Cause No.</b>	2009 IBP 0033
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Respondent did not appear
<b>Counsel Present</b>	Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The Respondent did not appear for her final hearing and the state asked the Board for a Notice of Proposed Default.
<b>Board Action</b>	A motion was made by Member Williams and seconded by Member St. Angelo to issue a Notice of Proposed Default.
<b>Vote</b>	Motion Carried <b><u>7-0-0</u></b>

#### **H. In the Matter of the Indiana Pharmacy Technician Certification of Jennifer L. Hooker**

<b>License No.</b>	67003006A
<b>Administrative Cause No.</b>	2009 IBP 0034
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Respondent did not appear
<b>Counsel Present</b>	Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member

<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The Respondent did not appear for her final hearing and the state asked the Board for a Notice of Proposed Default and an Emergency Suspension of her Certification. The issue here involved Respondent fraudulently writing and filling prescriptions for herself to perpetuate her substance abuse problems.
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member St. Angelo to issue a Notice of Proposed Default and approve the Emergency Suspension of Respondent's Certification.
<b>Vote</b>	Motion Carried <b>7-0-0</b>

#### **I. In the Matter of the Indiana Pharmacy Technician Certification of Bryan Alan Fry**

<b>License No.</b>	67004082A
<b>Administrative Cause No.</b>	2009 IBP 0029
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Respondent did not appear
<b>Counsel Present</b>	Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The Respondent did not appear for his final hearing and the state asked the Board for a Notice of Proposed Default and an Emergency Suspension of his Certification. The issue here involved Respondent's diversion of hydrocodone and generic zanax.
<b>Board Action</b>	A motion was made by Member Anderson and seconded by Member St. Angelo to issue a Notice of Proposed Default and approve the Emergency Suspension of Respondent's Certification.
<b>Vote</b>	Motion Carried <b>6-0-1</b> (Member Landis abstained from voting in this action)

#### **J. In the Matter of the Indiana Pharmacy Technician Certification of Julia A. Patterson**

<b>License No.</b>	67013228A
<b>Administrative Cause No.</b>	2009 IBP 0018
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Respondent did not appear
<b>Counsel Present</b>	Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The Respondent did not appear for her final hearing and the state asked the Board for a Notice of Proposed Default and an Extension of Summary Suspension placed on her Certification.

<b>Board Action</b>	A motion was made by Member Landis and seconded by Member St. Angelo to issue a Notice of Proposed Default and approve the Extension of Summary Suspension on Respondent's Certification.
<b>Vote</b>	Motion Carried <b><u>7-0-0</u></b>

#### **K. In the Matter of the Indiana Pharmacy Technician Certification of Megan L. McCartney**

<b>License No.</b>	67013911A
<b>Administrative Cause No.</b>	2009 IBP 0015
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Respondent did not appear
<b>Counsel Present</b>	Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The Respondent did not appear for her final hearing and the state asked the Board for a Notice of Proposed Default and an Extension of Summary Suspension placed on her Certification.
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member St. Angelo to issue a Notice of Proposed Default and approve the Extension of Summary Suspension on Respondent's Certification.
<b>Vote</b>	Motion Carried <b><u>7-0-0</u></b>

#### **L. In the Matter of the Indiana Pharmacy Technician-in-Training Permit of Katelyn Marie Beal**

<b>License No.</b>	99034321A
<b>Administrative Cause No.</b>	2009 IBP 0017
<b>Regarding</b>	Final Hearing
<b>Parties Present</b>	Respondent did not appear
<b>Counsel Present</b>	Mark Mader, Deputy Attorney General for the State of Indiana
<b>Participating Board Members</b>	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President ( <i>Consumer Member</i> ) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
<b>Witnesses for the Petitioner/Respondent</b>	None
<b>Witnesses for the State</b>	None
<b>Case Summary</b>	The Respondent did not appear for her final hearing and the state asked the Board for a Notice of Proposed Default and an Extension of Summary Suspension placed on her Permit.
<b>Board Action</b>	A motion was made by Member Wall and seconded by Member St. Angelo to issue a Notice of Proposed Default and approve the Extension of Summary Suspension on Respondent's Permit.
<b>Vote</b>	Motion Carried <b><u>7-0-0</u></b>

## **IX. APPLICATIONS**

### **A. Pharmacist Applications**

i. Daniel Chmela – License Transfer

A motion was made by Member St. Angelo and seconded by Member Cover to approve the license transfer application. **Motion Carried 7-0-0.**

ii. Matthew Senesac – License Transfer

A motion was made by Member St. Angelo and seconded by Member Cover to approve the license transfer application. **Motion Carried 7-0-0.**

**B. Pharmacist Intern Applications**

i. Sanjeev Abli – Request for Experience in Non-Licensed Setting

A motion was made by Member Wall and seconded by Member Landis to approve the request. **Motion Carried 7-0-0.**

**C. Pharmacy Applications**

i. Deaconess Gateway Hospital – Remote Location

A motion was made by Member St. Angelo and seconded by Member Wall to approve the use of remote locations pending satisfactory completion of an inspection with the Board. **Motion Carried 7-0-0.**

ii. Goshen General Hospital – Remote Location

A motion was made by Member St. Angelo and seconded by Member Wall to approve the use of remote locations pending satisfactory completion of an inspection with the Board. **Motion Carried 7-0-0.**

**D. Continuing Education Applications**

The following applications for approval of Continuing Education Programs were presented and approved:

- Kelli Salmon for .5 credit hours
- Christina Dickson for 1.5 credit hours
- Allyson Gaylor for .5 credit hours
- Margaret Dannenfelser for .5 credit hours
- Ann Yates for 6-1 credit hours

Motion was made by Member Cover and seconded by Member St. Angelo to approve the applications. **Motion Carried 7-0-0.**

## **X. FINAL NOTES AND ADJOURNMENT**

Prior to adjourning the Board held an Emergency Hearing and received evidence regarding activity taking place at the NorthShore Pharmacy in Northern Indiana. Based on complaints received from the Qualifying Pharmacist and owner of NorthShore Pharmacy, the Board found it prudent to immediately revoke the Pharmacy's permit until such time as the Board and Staff were convinced that the Pharmacy could operate safely pursuant to the laws of Indiana. The Board took the following actions:

- Held an emergency hearing on the afternoon of August 10, 2009 to make decisions regarding the ongoing violations at NorthShore.
- Attempted, through several voicemails and emails, to contact the parties involved and inform them of the proceedings and their right to be represented.

- Directed the Staff, through the Compliance Officers and Director, to revoke the permit for NorthShore, issue a cease and desist order, inform the Drug Enforcement Agency of the ongoing problems, and physically close the pharmacy.
- To take possession of the keys to the pharmacy and do an inventory of the drugs to ensure security and no diversion occurs.
- To indefinitely suspend the pharmacy's operating permit until such time as a new qualifying pharmacist is found who will take responsibility for the operation of the pharmacy, and until such time as the staff and one Board member are satisfied that the pharmacy is safe to operate following an inspection.

A motion was made by Member Wall and seconded by Member Williams to indefinitely suspend the operating permit of the pharmacy until such time as the pharmacy complies with the above listed requirements and to refer the matter to the Office of the Attorney General. **Motion Carried 6-0-1 (Member St. Angelo abstained from voting due to a friendship with the Qualifying Pharmacist).**

Following the Hearing, President Fanning adjourned the meeting at approximately 5:00 p.m.

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**Del T. Fanning, R.Ph., President**  
**Indiana Board of Pharmacy**

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**Date**

**Next Scheduled Meeting:**

Monday, September 14, 2009  
 Indiana Government Center South  
 Room W064 of the Indiana Professional Licensing Agency